

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHABRAY A. JONES,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

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CIVIL ACTION NO. 16-954

ORDER

AND NOW, this 17th day of November, 2016, after considering the complaint filed by the plaintiff, Shabray A. Jones (Doc. No. 3), the answer to the complaint (Doc. No. 9), the administrative record (Doc. No. 10), the plaintiff's brief and statement of issues in support of request for review (Doc. No. 11), the defendant's response to the request for review (Doc. No. 12), and the report and recommendation filed by United States Magistrate Judge David R. Strawbridge on October 31, 2017 (Doc. No. 17); and no party having filed objections to the report and recommendation; accordingly, it is hereby **ORDERED** as follows:

1. The clerk of court is **DIRECTED** to return this matter to the court's active docket;
2. The report and recommendation (Doc. No. 17) is **APPROVED** and **ADOPTED**;¹

¹ According to the display receipt attendant to the docket entry for Magistrate Judge Strawbridge's report and recommendation, the clerk of court e-mailed a copy of the report and recommendation to counsel for the parties on October 31, 2017. Pursuant to 28 U.S.C. § 636(b)(1) the parties had 14 days to respond to the report and recommendation. Therefore, they had until November 14, 2017, to file timely objections. As of today, neither party has filed objections to the report and recommendation.

Since neither party filed objections to Judge Strawbridge's report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, "the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." *Id.* As such, the court will review the report for plain error. *See Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) ("In the absence of a timely objection, . . . this Court will review [the magistrate judge's] Report and

3. The plaintiff's request for review is **GRANTED** insofar as she requests that the court vacate the decision of the Commissioner and remand for further proceedings;

4. The final decision of the Commissioner is **VACATED** and this matter is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with the report and recommendation; and

5. The clerk of court is **DIRECTED** to mark this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.

Recommendation for clear error." (internal quotation marks omitted)). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The court has reviewed Judge Stawbridge's report for plain error and has found none.